

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America
v.

Santiago B. Rivera

Defendant(s)

Case No.

20-MJ-1214

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

JUN 22 2020

MITCHELL R. ELFERS
CLERK

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 10, 2020 in the county of Rio Arriba in the
 District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*18 U.S.C. § 922(g)(1)
18 U.S.C. § 924(c)
21 U.S.C. § 841Prohibited Person in Possession of a Firearm or Ammunition
Possession of a Firearm in Furtherance of a Drug Trafficking Crime
Possession of Heroin with the Intent to Distribute

This criminal complaint is based on these facts:

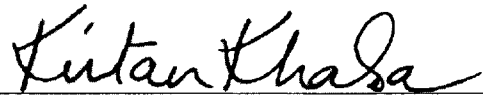
See attached Affidavit, attached hereto and incorporated herein.

☒ Continued on the attached sheet.*Complainant's signature*

Jeremy Yazzie, FBI Task Force Officer

Printed name and title

Electronically Submitted and Telephonically Sworn to me on this date.

Date: June 22, 2020*Judge's signature*City and state: Albuquerque, New Mexico

Kirtan Khalsa, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Jeremy Yazzie, being duly sworn, depose and say:

INTRODUCTION AND CRIMINAL CHARGES

1. I am an Agent with the New Mexico State Police Investigations Bureau (NMSP IB) and have been a sworn law enforcement officer for approximately 11 years and 6 months, serving as a police officer, agent, and task force officer. I have been with the NMSP since 2008 and am currently assigned to the FBI Violent Crime Task Force (VCTF), where I primarily investigate violent repeat offenders and drug and firearm related crimes.
2. This affidavit is based on information obtained from NMSP Agent Gabriel Trujillo, my reviews of law enforcement reports, and State of New Mexico court documents. This affidavit does not set forth all of my knowledge or summarize all of the investigative efforts, in this investigation. This affidavit is submitted in support of a criminal complaint and arrest warrant charging **SANTIAGO B. RIVERA** with violating the following:
 - a. 18 U.S.C. § 922(g)(1): being a felon in possession of a firearm and ammunition;
 - b. 21 U.S.C. §§ 841(a)(1) and (b)(1)(C): possession with intent to distribute heroin; and
 - c. 18 U.S.C. § 924(c): possession of a firearm in furtherance of a drug trafficking crime.

STATEMENT OF PROBABLE CAUSE

3. On Wednesday, June 10, 2020, the Region III Narcotics Task Force executed a search warrant at 328 Appenzeller Road, Española, NM 87532 and a blue Ford Excursion bearing New Mexico license plate of 230WNM. The search warrant was approved and authorized by New Mexico Magistrate Court Judge Alexandra Naranjo.¹ The search warrant authorized the Region III Narcotics Task Force to search the premises and vehicle for narcotics, US Currency, drug paraphernalia, ledgers, firearms, and cellular phones.

¹ Due to the recent COVID pandemic, I was informed that law enforcement personnel in Rio Arriba County were instructed to utilize Magistrate Courts for search and arrest warrants.

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4. Agent Trujillo informed me officers located and seized a black bullet proof vest from RIVERA'S vehicle. The vehicle contained documents that included RIVERA'S information, to include the registration which listed RIVERA as the registrant. Officers located a "trap door"² in a hallway near RIVERA'S bedroom. Inside the trap door, a loaded .223 rifle, a black bag containing two handguns,³ a black tar like substance which field tested positive for heroin and weighed 20.9 grams, a white crystalline substance which field tested positive for methamphetamine and weighed 1.9 grams, and three functioning digital scales were located. Also found in the residence were a ledger with money notations in it and a grinder with an unknown substance. In RIVERA'S bedroom, the following items were found: RIVERA's ID card which was located near a line of white powdery substance which field tested positive for cocaine and weighed 1.2 grams, and two cell phones. The substance on the grinder did not test field test positive for any narcotic. Officers found a cat food bag containing a large amount of US currency (\$25,785.00), in a bathroom, near a toilet. The currency was seized. Agent Trujillo advised the US Currency was counted with RIVERA's mother present. His mother indicated she was not aware of the money. The New Mexico Probation and Parole Department arrested RIVERA for a parole violation, and he was booked without further incident. Based on my training and experience, the quantity of heroin seized coupled with the grinder, ledger, and large amount of US currency is indicative of drug trafficking and is not user quantity.
6. On June 17, 2020, Agent Trujillo and I interviewed RIVERA at the Santa Fe County Detention Center. RIVERA was informed of the investigation and his Miranda Rights. RIVERA advised he understood his rights, waived his rights, and agreed to speak to us. During the interview, RIVERA admitted to selling narcotics. Shortly after his release from prison in December 2019,

² A trap door occludes a hidden compartment from unknowing persons.

³ All firearms had loaded magazines inserted and had a bullet in the chamber.

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he was approached by local drug dealers who forced him to sell narcotics to pay off an old debt. When questioned about the firearms, he stated a male, A.L., approached him about buying firearms. RIVERA stated he and a friend, C.L., purchased firearms from A.L. The firearms were stored at RIVERA's residence because C.L. did not have a place to store the firearms. RIVERA advised the firearms belonged to C.L. RIVERA admitted he used the firearms on separate occasions to protect himself from people he did not get along with. RIVERA also admitted he knew he should not have had the firearms in his possession. When questioned where he purchased ammunition for the firearms, he stated he went to a local "Big 5" sporting goods store and purchased them. RIVERA stated the body armor found in his vehicle was left there by a friend.

INTERSTATE NEXUS

7. The three firearms seized were identified as a .223 caliber Panther Arms rifle, a .40 caliber Glock handgun and a .40 caliber FN America handgun.
8. Based on my training and experience, I am aware that Panther firearms are manufactured in Alabama. The A-15 rifle, serial number FH149002, was test-fired, underwent an examination and functioned as designed. Based on my training and experience, I believe the rifle meets the federal definition of a "firearm."
9. Based on my training and experience, I am aware that Glock firearms are manufactured in Austria. The Glock 22, serial number XNW480, was test-fired, underwent an examination and functioned as designed. Based on my training and experience, I believe the pistol meets the federal definition of a "firearm."
10. Based on my training and experience, I am aware that FN America handguns are manufactured in South Carolina. The FN America FNX-40, .40 caliber pistol, serial number FX24030601, was

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test-fired, underwent an examination and it functioned as designed. Based on my training and experience, I believe the pistol meets the federal definition of a “firearm.”

PRIOR FELONY CONVICTIONS

11. I have reviewed RIVERA’s criminal history and court records and have noted he has at least twenty-six (26) prior arrests in New Mexico with at least six (6) felony convictions which include:

- a. Receiving or Transferring Stolen Motor Vehicles (1st Offense), Case No. D-101-CR-201400012, Santa Fe District Court, New Mexico, date of conviction: July 2, 2014.
- b. Larceny (Over 20,000), Case No. D-101-CR-201400231, Santa Fe District Court, New Mexico, date of conviction: July 2, 2014.
- c. Two (2) counts of: Trafficking Controlled Substances (Possess with Intent to Distribute) (Narcotic or Meth)(1st Off.), Case No. D-117-CR-201400218, Tierra Amarilla District Court, New Mexico, date of conviction: July 2, 2014.
- d. Possession of a Firearm or Destructive Device by a Felon and Possession of a Controlled Substance (Felony – Narcotic Drug), Case No. D-117-CR-201400436, Tierra Amarilla District, New Mexico, date of conviction: February 6, 2017.
- e. Larceny (Over \$500 but not more than \$2,500), Case No. D-101-CR-201400656, Santa Fe District, New Mexico, date of conviction: March 7, 2016.
- f. Escape from a Community Custody Release Program (Felony), Case No. D-101-CR-201500178, Santa Fe District, New Mexico, date of conviction, March 7, 2016.

12. RIVERA is currently serving a term of parole with the New Mexico Corrections Department.

CONCLUSION

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13. Based on the information contained herein, I believe there is probable cause to charge SANTIAGO RIVERA with: 18 U.S.C. § 922(g)(1): being a felon in possession of a firearm; 21 U.S.C. §§ 841(a)(1) and (b)(1)(C): possession with intent to distribute heroin; and 18 U.S.C. § 924(c): possession of a firearm in furtherance of a drug trafficking crime.
14. Supervisory Assistant United States Attorney Jack Burkhead approved criminal charging in this matter.

Respectfully submitted,



Jeremy Yazzie
FBI Violent Crimes Task Force Officer

Electronically Submitted and Telephonically Sworn to me on June 22, 2020:



HONORABLE KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF NEW MEXICO